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CHAMBER ACTION

1 The Utilities & Telecommunications Committee recommends the
2 following:

3
4 **Council/Committee Substitute**

5 Remove the entire bill and insert:

6 A bill to be entitled

7 An act relating to the wireless emergency telephone
8 system; amending s. 11.45, F.S.; removing the annual audit
9 of the Wireless Emergency Telephone System Fund from the
10 duties of the Auditor General; amending s. 364.02, F.S.;
11 revising fee schedules for providers of interexchange
12 telecommunications services; amending s. 365.171, F.S.;
13 revising provisions for certain nonemergency telephone
14 number pilot projects; amending s. 365.172, F.S.; limiting
15 application of definitions; adding definitions relating to
16 wireless telephone communications; revising duties of the
17 Wireless 911 Board; providing for grants and loans to
18 certain counties for the purpose of upgrading E911
19 systems; authorizing the hiring of an executive director
20 and an independent, private attorney; specifying that
21 state and local governments are not customers under
22 provisions for the wireless E911 monthly fee; revising
23 timeframe to reduce the amount of the fee or for

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24 reallocation of moneys collected for the fee; providing
25 legislative intent regarding the emergency wireless
26 telephone system; providing standards for local
27 governments to follow when regulating the placement,
28 construction, or modification of a wireless communications
29 facility; directing local governments to grant or deny
30 properly completed applications within specified time
31 periods; providing criteria and procedures for local
32 approval of an application by a provider of wireless
33 communications services; authorizing the local government
34 to impose an application fee; directing local governments
35 to notify a provider in writing of the deficiencies in an
36 application; directing local governments to notify a
37 provider in writing whether the resubmission of
38 information properly completes the application; permitting
39 local governments to continue requesting information until
40 the application deficiencies are cured; providing for a
41 limited review by a local government of an accessory
42 wireless communications facility; prohibiting local
43 governments from imposing certain restrictions on wireless
44 communications facilities; providing that an action
45 brought by a person adversely affected by a decision of a
46 local government relating to a wireless communications
47 facility shall be considered on an expedited basis;
48 removing certain complaint procedures; amending s.
49 365.173, F.S.; directing how a county may use funds
50 derived from the E911 fee; requiring the board of county
51 commissioners to appropriate the funds to the proper uses;

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removing the requirement that the Auditor General annually audit the E911 fund; amending s. 337.401, F.S.; revising provisions relating to use of right-of-way for utilities subject to regulation to remove certain application provisions; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (2) of section 11.45, Florida Statutes, is amended to read:

11.45 Definitions; duties; authorities; reports; rules.--

(2) DUTIES.--The Auditor General shall:

(a) Conduct audits of records and perform related duties as prescribed by law, concurrent resolution of the Legislature, or as directed by the Legislative Auditing Committee.

(b) Annually conduct a financial audit of state government.

(c) Annually conduct financial audits of all universities and district boards of trustees of community colleges.

(d) Annually conduct financial audits of the accounts and records of all district school boards in counties with populations of fewer than 150,000, according to the most recent federal decennial statewide census.

~~(e) Annually conduct an audit of the Wireless Emergency Telephone System Fund as described in s. 365.173.~~

(e)~~(f)~~ Annually conduct audits of the accounts and records of the Florida School for the Deaf and the Blind.

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79 ~~(f)(g)~~ At least every 2 years, conduct operational audits
80 of the accounts and records of state agencies and universities.
81 In connection with these audits, the Auditor General shall give
82 appropriate consideration to reports issued by state agencies'
83 inspectors general or universities' inspectors general and the
84 resolution of findings therein.

85 ~~(g)(h)~~ At least every 2 years, conduct a performance audit
86 of the local government financial reporting system, which, for
87 the purpose of this chapter, means any statutory provisions
88 related to local government financial reporting. The purpose of
89 such an audit is to determine the accuracy, efficiency, and
90 effectiveness of the reporting system in achieving its goals and
91 to make recommendations to the local governments, the Governor,
92 and the Legislature as to how the reporting system can be
93 improved and how program costs can be reduced. The Auditor
94 General shall determine the scope of such audits. The local
95 government financial reporting system should provide for the
96 timely, accurate, uniform, and cost-effective accumulation of
97 financial and other information that can be used by the members
98 of the Legislature and other appropriate officials to accomplish
99 the following goals:

- 100 1. Enhance citizen participation in local government;
- 101 2. Improve the financial condition of local governments;
- 102 3. Provide essential government services in an efficient
103 and effective manner; and
- 104 4. Improve decisionmaking on the part of the Legislature,
105 state agencies, and local government officials on matters
106 relating to local government.

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107 (h)~~(i)~~ Once every 3 years, conduct performance audits of
108 the Department of Revenue's administration of the ad valorem tax
109 laws as described in s. 195.096.

110 (i)~~(j)~~ Once every 3 years, conduct financial audits of the
111 accounts and records of all district school boards in counties
112 with populations of 125,000 or more, according to the most
113 recent federal decennial statewide census.

114 (j)~~(k)~~ Once every 3 years, review a sample of each state
115 agency's internal audit reports to determine compliance with
116 current Standards for the Professional Practice of Internal
117 Auditing or, if appropriate, government auditing standards.

118 (k)~~(l)~~ Conduct audits of local governmental entities when
119 determined to be necessary by the Auditor General, when directed
120 by the Legislative Auditing Committee, or when otherwise
121 required by law. No later than 18 months after the release of
122 the audit report, the Auditor General shall perform such
123 appropriate followup procedures as he or she deems necessary to
124 determine the audited entity's progress in addressing the
125 findings and recommendations contained within the Auditor
126 General's previous report. The Auditor General shall provide a
127 copy of his or her determination to each member of the audited
128 entity's governing body and to the Legislative Auditing
129 Committee.

130
131 The Auditor General shall perform his or her duties
132 independently but under the general policies established by the
133 Legislative Auditing Committee. This subsection does not limit
134 the Auditor General's discretionary authority to conduct other

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audits or engagements of governmental entities as authorized in subsection (3).

Section 2. Subsection (13) of section 364.02, Florida Statutes, is amended to read:

364.02 Definitions.--As used in this chapter:

(13) "Telecommunications company" includes every corporation, partnership, and person and their lessees, trustees, or receivers appointed by any court whatsoever, and every political subdivision in the state, offering two-way telecommunications service to the public for hire within this state by the use of a telecommunications facility. The term "telecommunications company" does not include:

(a) An entity which provides a telecommunications facility exclusively to a certificated telecommunications company;

(b) An entity which provides a telecommunications facility exclusively to a company which is excluded from the definition of a telecommunications company under this subsection;

(c) A commercial mobile radio service provider;

(d) A facsimile transmission service;

(e) A private computer data network company not offering service to the public for hire;

(f) A cable television company providing cable service as defined in 47 U.S.C. s. 522; or

(g) An intrastate interexchange telecommunications company.

However, each commercial mobile radio service provider and each intrastate interexchange telecommunications company shall

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continue to be liable for any taxes imposed under ~~pursuant to~~
chapters 202, 203 and 212 and any fees assessed under s.
~~pursuant to ss.~~ 364.025 and ~~364.336~~. Each intrastate
interexchange telecommunications company shall continue to be
subject to ss. 364.04, 364.10(3)(a) and (d), 364.163, 364.285,
364.336, 364.501, 364.603, and 364.604, shall provide the
commission with the ~~such~~ current information as the commission
deems necessary to contact and communicate with the company,
shall continue to pay intrastate switched network access rates
or other intercarrier compensation to the local exchange
telecommunications company or the competitive local exchange
telecommunications company for the origination and termination
of interexchange telecommunications service, and shall reduce
its intrastate long distance toll rates in accordance with s.
364.163(2).

Section 3. Paragraph (a) of subsection (13) of section
365.171, Florida Statutes, is amended to read:

365.171 Emergency telephone number "911."--

(13) "911" FEE.--

(a) Following approval by referendum as set forth in
paragraph (b), or following approval by a majority vote of its
board of county commissioners, a county may impose a "911" fee
to be paid by the local exchange subscribers within its
boundaries served by the "911" service. Proceeds from the "911"
fee shall be used only for "911" expenditures as set forth in
subparagraph 6. The manner of imposing and collecting said
payment shall be as follows:

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190 1. At the request of the county subscribing to "911"
191 service, the telephone company shall, insofar as is practicable,
192 bill the "911" fee to the local exchange subscribers served by
193 the "911" service, on an individual access line basis, at a rate
194 not to exceed 50 cents per month per line (up to a maximum of 25
195 access lines per account bill rendered). However, the fee may
196 not be assessed on any pay telephone in this state. A county
197 collecting the fee for the first time may collect the fee for no
198 longer than 36 months without initiating the acquisition of its
199 "911" equipment.

200 2. Fees collected by the telephone company pursuant to
201 subparagraph 1. shall be returned to the county, less the costs
202 of administration retained pursuant to paragraph (c). The county
203 shall provide a minimum of 90 days' written notice to the
204 telephone company prior to the collection of any "911" fees.

205 3. Any county that currently has an operational "911"
206 system or that is actively pursuing the implementation of a
207 "911" system shall establish a fund to be used exclusively for
208 receipt and expenditure of "911" fee revenues collected pursuant
209 to this section. All fees placed in said fund, and any interest
210 accrued thereupon, shall be used solely for "911" costs
211 described in subparagraph 6. The money collected and interest
212 earned in this fund shall be appropriated for "911" purposes by
213 the county commissioners and incorporated into the annual county
214 budget. Such fund shall be included within the financial audit
215 performed in accordance with s. 218.39. A report of the audit
216 shall be forwarded to the office within 60 days of its
217 completion. A county may carry forward on an annual basis

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218 unspent moneys in the fund for expenditures allowed by this
219 section, or it may reduce its fee. However, in no event shall a
220 county carry forward more than 10 percent of the "911" fee
221 billed for the prior year. The amount of moneys carried forward
222 each year may be accumulated in order to allow for capital
223 improvements described in this subsection. The carryover shall
224 be documented by resolution of the board of county commissioners
225 expressing the purpose of the carryover or by an adopted capital
226 improvement program identifying projected expansion or
227 replacement expenditures for "911" equipment and service
228 features, or both. In no event shall the "911" fee carryover
229 surplus moneys be used for any purpose other than for the "911"
230 equipment, service features, and installation charges authorized
231 in subparagraph 6. Nothing in this section shall prohibit a
232 county from using other sources of revenue for improvements,
233 replacements, or expansions of its "911" system. A county may
234 increase its fee for purposes authorized in this section.
235 However, in no case shall the fee exceed 50 cents per month per
236 line. All current "911" fees shall be reported to the office
237 within 30 days of the start of each county's fiscal period. Any
238 fee adjustment made by a county shall be reported to the office.
239 A county shall give the telephone company a 90-day written
240 notice of such fee adjustment.

241 4. The telephone company shall have no obligation to take
242 any legal action to enforce collection of the "911" fee. The
243 telephone company shall provide quarterly to the county a list
244 of the names, addresses, and telephone numbers of any and all

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245 subscribers who have identified to the telephone company their
246 refusal to pay the "911" fee.

247 5. The county subscribing to "911" service shall remain
248 liable to the telephone company for any "911" service,
249 equipment, operation, or maintenance charge owed by the county
250 to the telephone company.

251
252 As used in this paragraph, "telephone company" means an exchange
253 telephone service provider of "911" service or equipment to any
254 county within its certificated area.

255 6. It is the intent of the Legislature that the "911" fee
256 authorized by this section to be imposed by counties will not
257 necessarily provide the total funding required for establishing
258 or providing the "911" service. For purposes of this section,
259 "911" service includes the functions of database management,
260 call taking, location verification, and call transfer. The
261 following costs directly attributable to the establishment
262 and/or provision of "911" service are eligible for expenditure
263 of moneys derived from imposition of the "911" fee authorized by
264 this section: the acquisition, implementation, and maintenance
265 of Public Safety Answering Point (PSAP) equipment and "911"
266 service features, as defined in the Florida Public Service
267 Commission's lawfully approved "911" and related tariffs and/or
268 the acquisition, installation, and maintenance of other "911"
269 equipment, including call answering equipment, call transfer
270 equipment, ANI controllers, ALI controllers, ANI displays, ALI
271 displays, station instruments, "911" telecommunications systems,
272 teleprinters, logging recorders, instant playback recorders,

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273 telephone devices for the deaf (TDD) used in the "911" system,
274 PSAP backup power systems, consoles, automatic call
275 distributors, and interfaces (hardware and software) for
276 computer-aided dispatch (CAD) systems; salary and associated
277 expenses for "911" call takers for that portion of their time
278 spent taking and transferring "911" calls; salary and associated
279 expenses for a county to employ a full-time equivalent "911"
280 coordinator position and a full-time equivalent staff assistant
281 position per county for the portion of their time spent
282 administering the "911" system; training costs for PSAP call
283 takers in the proper methods and techniques used in taking and
284 transferring "911" calls; and expenses required to develop and
285 maintain all information (ALI and ANI databases and other
286 information source repositories) necessary to properly inform
287 call takers as to location address, type of emergency, and other
288 information directly relevant to the "911" call-taking and
289 transferring function; ~~and, in a county defined in s.~~
290 ~~125.011(1), such expenses related to a nonemergency "311"~~
291 ~~system, or similar nonemergency system, which improves the~~
292 ~~overall efficiency of an existing "911" system or reduces "911"~~
293 ~~emergency response time for a 2-year pilot project that ends~~
294 ~~June 30, 2003. However,~~ No wireless telephone service provider
295 shall be required to participate in any ~~this~~ pilot project or to
296 otherwise implement a nonemergency "311" system or similar
297 nonemergency system. The "911" fee revenues shall not be used to
298 pay for any item not listed, including, but not limited to, any
299 capital or operational costs for emergency responses which occur
300 after the call transfer to the responding public safety entity

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and the costs for constructing buildings, leasing buildings, maintaining buildings, or renovating buildings, except for those building modifications necessary to maintain the security and environmental integrity of the PSAP and "911" equipment rooms.

7. It is the goal of the Legislature that enhanced "911" service be available throughout the state. Expenditure by counties of the "911" fees authorized by this section should support this goal to the greatest extent feasible within the context of local service needs and fiscal capability. Nothing in this section shall be construed to prohibit two or more counties from establishing a combined emergency "911" telephone service by interlocal agreement and utilizing the "911" fees authorized by this section for such combined "911" service.

Section 4. Subsections (3), (6), and (11) and paragraphs (a) and (c) of subsection (8) of section 365.172, Florida Statutes, are amended to read:

365.172 Wireless emergency telephone number "E911."--

(3) DEFINITIONS.--Only as used in this section and ss. 365.173 and 365.174, the term:

(a) "Active prepaid wireless telephone" means a prepaid wireless telephone that has been used by the customer during the month to complete a telephone call for which the customer's card or balance was decremented.

(b) "Answering point" means the public safety agency that receives incoming 911 calls and dispatches appropriate public safety agencies to respond to the ~~such~~ calls.

(c) "Automatic location identification" means the capability of the E911 service which enables the automatic

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display of information that defines the approximate geographic location of the wireless telephone used to place a 911 call.

(d) "Automatic number identification" means the capability of the E911 service which enables the automatic display of the 10-digit service number used to place a 911 call.

(e) "Board" means the board of directors of the Wireless 911 Board.

(f) "Building-permit review" means a review for compliance with building construction standards adopted by the local government under chapter 553 and does not include a review for compliance with land development regulations. ~~"Office" means the State Technology Office.~~

(g) "Collocation" means the situation when a second or subsequent wireless provider uses an existing structure to locate a second or subsequent antennae. The term includes the ground, platform, or roof installation of equipment enclosures, cabinets, or buildings, and cables, brackets, and other equipment associated with the location and operation of the antennae.

(h) "Designed service" means the configuration and manner of deployment of service the wireless provider has designed for an area as part of its network.

(i)~~(g)~~ "E911" is the designation for a wireless enhanced 911 system or wireless enhanced 911 service that is an emergency telephone system or service that provides a subscriber with wireless 911 service and, in addition, directs 911 calls to appropriate public safety answering points by selective routing based on the geographical location from which the call

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357 originated, or as otherwise provided in the state plan under s.
358 365.171, and that provides for automatic number identification
359 and automatic location-identification features in accordance
360 with the requirements of the order.

361 (j) "Existing structure" means a structure that exists at
362 the time an application for permission to place antennae on a
363 structure is filed with a local government. The term includes
364 any structure that can structurally support the attachment of
365 antennae in compliance with applicable codes.

366 (k)~~(h)~~ "Fee" means the E911 fee imposed under subsection
367 (8).

368 (l)~~(i)~~ "Fund" means the Wireless Emergency Telephone
369 System Fund established in s. 365.173 and maintained under this
370 section for the purpose of recovering the costs associated with
371 providing 911 service or E911 service, including the costs of
372 implementing the order.

373 (m) "Historic building, structure, site, object, or
374 district" means any building, structure, site, object, or
375 district that has been officially designated as a historic
376 building, historic structure, historic site, historic object, or
377 historic district through a federal, state, or local designation
378 program.

379 (n) "Land development regulations" means any ordinance
380 enacted by a local government for the regulation of any aspect
381 of development, including an ordinance governing zoning,
382 subdivisions, landscaping, tree protection, or signs, the local
383 government's comprehensive plan, or any other ordinance
384 concerning any aspect of the development of land. The term does

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not include any building construction standard adopted under and
in compliance with chapter 553.

(o)~~(j)~~ "Local exchange carrier" means a "competitive local
exchange telecommunications company" or a "local exchange
telecommunications company" as defined in s. 364.02.

(p)~~(k)~~ "Local government" means any municipality, county,
or political subdivision or agency of a municipality, county, or
political subdivision.

(q) "Medium county" means any county that has a population
of 75,000 or more but less than 750,000.

(r)~~(l)~~ "Mobile telephone number" or "MTN" means the
telephone number assigned to a wireless telephone at the time of
initial activation.

(s) "Office" means the State Technology Office.

(t)~~(m)~~ "Order" means:

1. The following orders and rules of the Federal
Communications Commission issued in FCC Docket No. 94-102:

a. Order adopted on June 12, 1996, with an effective date
of October 1, 1996, the amendments to s. 20.03 and the creation
of s. 20.18 of Title 47 of the Code of Federal Regulations
adopted by the Federal Communications Commission pursuant to
such order.

b. Memorandum and Order No. FCC 97-402 adopted on December
23, 1997.

c. Order No. FCC DA 98-2323 adopted on November 13, 1998.

d. Order No. FCC 98-345 adopted December 31, 1998.

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2. Orders and rules subsequently adopted by the Federal Communications Commission relating to the provision of wireless 911 services.

(u)~~(e)~~ "Prepaid wireless telephone service" means wireless telephone service that is activated in advance by payment for a finite dollar amount of service or for a finite set of minutes that terminate either upon use by a customer and delivery by the wireless provider of an agreed-upon amount of service corresponding to the total dollar amount paid in advance or within a certain period of time following the initial purchase or activation, unless additional payments are made.

(v)~~(n)~~ "Provider" or "wireless provider" means a person or entity who provides service and either:

1. Is subject to the requirements of the order; or
2. Elects to provide wireless 911 service or E911 service in this state.

(w)~~(p)~~ "Public agency" means the state and any municipality, county, municipal corporation, or other governmental entity, public district, or public authority located in whole or in part within this state which provides, or has authority to provide, firefighting, law enforcement, ambulance, medical, or other emergency services.

(x)~~(q)~~ "Public safety agency" means a functional division of a public agency which provides firefighting, law enforcement, medical, or other emergency services.

(y)~~(r)~~ "Rural county" means any county that has a population of fewer than 75,000.

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438 ~~(z)(s)~~ "Service" means "commercial mobile radio service"
439 as provided under ss. 3(27) and 332(d) of the Federal
440 Telecommunications Act of 1996, 47 U.S.C., ss. 151 et seq., and
441 the Omnibus Budget Reconciliation Act of 1993, Pub. L. No. 103-
442 66, August 10, 1993, 107 Stat. 312. The term "service" includes
443 the term "wireless" and service provided by any wireless real-
444 time two-way wire communication device, including radio-
445 telephone communications used in cellular telephone service;
446 personal communications service; or the functional or
447 competitive equivalent of a radio-telephone communications line
448 used in cellular telephone service, a personal communications
449 service, or a network radio access line. The term does not
450 include wireless providers that offer mainly dispatch service in
451 a more localized, noncellular configuration; providers offering
452 only data, one-way, or stored-voice services on an
453 interconnected basis; providers of air-to-ground services; or
454 public coast stations.

455 ~~(aa)(t)~~ "Service number" means the unique 10-digit
456 wireless telephone number assigned to a service subscriber.

457 ~~(bb)(u)~~ "Sufficient positive balance" means a dollar
458 amount greater than or equal to the monthly wireless surcharge
459 amount.

460 (cc) "Tower" means any structure designed primarily to
461 support a wireless provider's antennae.

462 (dd) "Wireless communications facility" means any
463 equipment or facility used to provide service and may include,
464 but is not limited to, antennae, towers, equipment enclosures,
465 cabling, antenna brackets, and other such equipment. Placing a

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wireless communications facility on an existing structure does not cause the existing structure to become a wireless communications facility.

~~(ee)(v)~~ "Wireless 911 system" or "wireless 911 service" means an emergency telephone system or service that provides a subscriber with the ability to reach an answering point by dialing the digits "911." A wireless 911 system is complementary to a wired 911 system as provided for in s. 365.171.

(6) AUTHORITY OF THE BOARD; ANNUAL REPORT.--

(a) The board shall:

1. Administer the E911 fee.
2. Implement, maintain, and oversee the fund.
3. Review and oversee the disbursement of the revenues deposited into the fund as provided in s. 365.173. The board may establish a schedule for implementing wireless E911 service by service area, and prioritize disbursements of revenues from the fund to providers and rural counties as provided in s. 365.173(2)(b) and (c) pursuant to the schedule, in order to implement E911 services in the most efficient and cost-effective manner. Revenues collected and deposited into the fund for distribution as provided in s. 365.173(2)(b), but which have not been disbursed because sworn invoices as required by 365.173(2)(b) have not been submitted to the board, may be utilized by the board as needed to provide grants to rural counties and loans to medium counties for the purpose of upgrading E911 systems. Grants provided to rural counties would be in addition to disbursements provided under s. 365.173(2)(c). Loans provided to medium counties shall be based on county

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494 hardship criteria as determined and approved by the board.
495 Revenues utilized for this purpose shall be fully repaid to the
496 fund in a manner and under a timeframe as determined and
497 approved by the board. The board shall take all actions within
498 its authority to ensure that county recipients of such grants
499 and loans utilize these funds only for the purpose under which
500 they have been provided and may take any actions within its
501 authority to secure county repayment of grant and loan revenues
502 upon determination that the funds were not utilized for the
503 purpose under which they were provided.

504 4. Review documentation submitted by providers which
505 reflects current and projected funds derived from the E911 fee,
506 and the expenses incurred and expected to be incurred, in order
507 to comply with the E911 service requirements contained in the
508 order for the purposes of:

509 a. Ensuring that providers receive fair and equitable
510 distributions of funds from the fund.

511 b. Ensuring that providers are not provided disbursements
512 from the fund which exceed the costs of providing E911 service,
513 including the costs of complying with the order.

514 c. Ascertaining the projected costs of compliance with the
515 requirements of the order and projected collections of the E911
516 fee.

517 d. Implementing changes to the allocation percentages or
518 reducing the E911 fee under paragraph (8)(c).

519 5. Review and approve or reject, in whole or in part,
520 applications submitted by providers for recovery of moneys
521 deposited into the fund.

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522 6. Hire and retain employees, which may include an
523 independent executive director who shall possess experience in
524 the area of telecommunications and emergency 911 issues, for the
525 purposes of performing the technical and administrative
526 functions for the board.

527 7. Make and enter into contracts, pursuant to chapter 287,
528 and execute other instruments necessary or convenient for the
529 exercise of the powers and functions of the board.

530 8. Take all necessary and reasonable steps by July 1,
531 2000, to secure appropriate information and reports from
532 providers and otherwise perform all of the functions that would
533 be performed by an independent accounting firm prior to
534 completing the request-for-proposals process under subsection
535 (7).

536 9. Sue and be sued, and appear and defend in all actions
537 and proceedings, in its corporate name to the same extent as a
538 natural person.

539 10. Adopt, use, and alter a common corporate seal.

540 11. Elect or appoint the officers and agents that are
541 required by the affairs of the board.

542 12. The board may adopt rules under ss. 120.536(1) and
543 120.54 to implement this section and ss. 365.173 and 365.174.

544 13. Provide coordination, support, and technical
545 assistance to counties to promote the deployment of advanced 911
546 and E911 systems in the state.

547 14. Provide coordination and support for educational
548 opportunities related to 911 issues for the 911 community in
549 this state.

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15. Act as an advocate for issues related to 911 system functions, features, and operations to improve the delivery of 911 services to the residents of and visitors to this state.

16. Coordinate input from this state at national forums and associations, to ensure that policies related to 911 systems and services are consistent with the policies of the 911 community in this state.

17. Work cooperatively with the system director established in s. 365.171(5) to enhance the state of 911 services in this state and to provide unified leadership for all 911 issues through planning and coordination.

18. Do all acts and things necessary or convenient to carry out the powers granted in this section, including but not limited to, consideration of emerging technology and related cost savings.

19. Have the authority to secure the services of an independent, private attorney via invitation to bid, request for proposals, invitation to negotiate, or professional contracts for legal services already established at the Division of Purchasing of the Department of Management Services.

(b) Board members shall serve without compensation; however, members are entitled to per diem and travel expenses as provided in s. 112.061.

(c) By February 28 of each year, the board shall prepare a report for submission by the office to the Governor, the President of the Senate, and the Speaker of the House of Representatives which reflects, for the immediately preceding calendar year, the quarterly and annual receipts and

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disbursements of moneys in the fund, the purposes for which disbursements of moneys from the fund have been made, and the availability and status of implementation of E911 service in this state.

(d) By February 28, 2001, the board shall undertake and complete a study for submission by the office to the Governor, the President of the Senate, and the Speaker of the House of Representatives which addresses:

1. The total amount of E911 fee revenues collected by each provider, the total amount of expenses incurred by each provider to comply with the order, and the amount of moneys on deposit in the fund, all as of December 1, 2000.

2. Whether the amount of the E911 fee and the allocation percentages set forth in s. 365.173 should be adjusted to comply with the requirements of the order, and, if so, a recommended adjustment to the E911 fee.

3. Any other issues related to providing wireless E911 services.

(8) WIRELESS E911 FEE.--

(a) Each home service provider shall collect a monthly fee imposed on each customer whose place of primary use is within this state. For purposes of this section, the state and local governments are not customers. The rate of the fee shall be 50 cents per month per each service number, beginning August 1, 1999. The fee shall apply uniformly and be imposed throughout the state.

(c) After July 1, 2001, the board may adjust the allocation percentages provided in s. 365.173 or reduce the

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amount of the fee, or both, if necessary to ensure full cost recovery or prevent overrecovery of costs incurred in the provision of E911 service, including costs incurred or projected to be incurred to comply with the order. Any new allocation percentages or reduced fee may not be adjusted for 1 year ~~2 years~~. The fee may not exceed 50 cents per month per each service number.

(11) FACILITATING E911 SERVICE IMPLEMENTATION.--To balance the public need for reliable E911 services through reliable wireless systems and the public interest served by governmental zoning and land development regulations and notwithstanding any other law or local ordinance to the contrary, the following standards shall apply to a local government's actions, as a regulatory body, in the regulation of the placement, construction, or modification of a wireless communications facility. For the purposes of this subsection only, "local government" shall mean any municipality or county and any agency of a municipality or county only. The term "local government" does not, however, include any airport, as defined by s. 330.27(2), even if it is owned or controlled by or through a municipality, county, or agency of a municipality or county. Further, notwithstanding anything in this section to the contrary, this subsection does not apply to or control a local government's actions as a property or structure owner in the use of any property or structure owned by such entity for the placement, construction, or modification of wireless communications facilities. In the use of property or structures owned by the local government, however, a local government may

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not use its regulatory authority so as to avoid compliance with,
or in a manner that does not advance, the provisions of this
subsection.÷

(a) Collocation ~~Colocation~~ among wireless telephone
service providers is encouraged by the state. ~~To further
facilitate agreements among providers for colocation of their
facilities, any antennae and related equipment to service the
antennae that is being colocated on an existing above-ground
structure is not subject to land development regulation pursuant
to s. 163.3202, provided the height of the existing structure is
not increased. However, construction of the antennae and related
equipment is subject to local building regulations and any
existing permits or agreements for such property, buildings, or
structures.~~

1.a. Collocations on towers, including nonconforming
towers, that meet the requirements in sub-sub-subparagraphs (I),
(II), and (III), are subject to only building-permit review
which may include a review for compliance with this
subparagraph. Such collocations are not subject to any design or
placement requirements of the local government's land
development regulations in effect at the time of the collocation
that are more restrictive than those in effect at the time of
the initial antennae placement approval, to any other portion of
the land development regulations, or to public hearing or public
input review.

(I) The collocation does not increase the height of the
tower to which the antennae are to be attached, measured to the

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661 highest point of any part of the tower or any existing antenna
662 attached to the tower;

663 (II) The collocation does not increase the ground space
664 area, commonly known as the compound, approved in the site plan
665 for equipment enclosures and ancillary facilities; and

666 (III) The collocation consists of antennae, equipment
667 enclosures, and ancillary facilities that are of a design and
668 configuration consistent with all applicable regulations,
669 restrictions, or conditions, if any, applied to the initial
670 antennae placed on the tower and to its accompanying equipment
671 enclosures and ancillary facilities and, if applicable, applied
672 to the tower supporting the antennae. Such regulations may
673 include the design and aesthetic requirements, but not
674 procedural requirements, other than those authorized by this
675 section, of the local government's land development regulations
676 in effect at the time the initial antennae placement was
677 approved.

678 b. Except for a historic building, structure, site,
679 object, or district, or a tower included in sub-subparagraph a.,
680 collocations on all other existing structures that meet the
681 requirements in sub-sub-subparagraphs (I)-(IV) shall be subject
682 to no more than building-permit review, and an administrative
683 review for compliance with this subparagraph. Such collocations
684 are not subject to any portion of the local government's land
685 development regulations not addressed herein, or to public
686 hearing or public input review.

687 (I) The collocation does not increase the height of the
688 existing structure to which the antennae are to be attached,

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689 measured to the highest point of any part of the structure or
690 any existing antenna attached to the structure;

691 (II) The collocation does not increase the ground space
692 area, otherwise known as the compound, if any, approved in the
693 site plan for equipment enclosures and ancillary facilities;

694 (III) The collocation consists of antennae, equipment
695 enclosures, and ancillary facilities that are of a design and
696 configuration consistent with any applicable structural or
697 aesthetic design requirements and any requirements for location
698 on the structure, but not prohibitions or restrictions on the
699 placement of additional collocations on the existing structure
700 or procedural requirements, other than those authorized by this
701 section, of the local government's land development regulations
702 in effect at the time of the collocation application; and

703 (IV) The collocation consists of antennae, equipment
704 enclosures, and ancillary facilities that are of a design and
705 configuration consistent with all applicable restrictions or
706 conditions, if any, that do not conflict with sub-sub-
707 subparagraph (III) and were applied to the initial antennae
708 placed on the structure and to its accompanying equipment
709 enclosures and ancillary facilities and, if applicable, applied
710 to the structure supporting the antennae.

711 c. Regulations, restrictions, conditions, or permits of
712 the local government, acting in its regulatory capacity, that
713 limit the number of collocations or require review processes
714 inconsistent with this subsection shall not apply to
715 collocations addressed in this subparagraph.

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d. If only a portion of the collocation does not meet the requirements of this subparagraph, such as an increase in the height of the proposed antennae over the existing structure height or a proposal to expand the ground space approved in the site plan for the equipment enclosure, where all other portions of the collocation meet the requirements of this subparagraph, that portion of the collocation only may be reviewed under the local government's regulations applicable to an initial placement of that portion of the facility, including, but not limited to, its land development regulations, and within the review timeframes of subparagraph (d)2., and the rest of the collocation shall be reviewed in accordance with this subparagraph. A collocation proposal under this subparagraph that increases the ground space area, otherwise known as the compound, approved in the original site plan for equipment enclosures and ancillary facilities by no more than a cumulative amount of 400 square feet or 50 percent of the original compound size, whichever is greater, shall, however, require no more than administrative review for compliance with the local government's regulations, including, but not limited to, land development regulations review, and building-permit review, with no public hearing or public input review.

2. If a collocation does not meet the requirements of subparagraph 1., the local government may review the application under the local government's regulations, including, but not limited to, land development regulations, applicable to the placement of an initial antennae and its accompanying equipment enclosure and ancillary facilities.

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744 3. If a collocation meets the requirements of subparagraph
745 1., the collocation shall not be considered a modification to an
746 existing structure or an impermissible modification of a
747 nonconforming structure.

748 4. The ~~Nothing herein shall relieve the permitholder for~~
749 ~~or~~ owner of the existing tower on which the proposed antennae
750 are to be collocated shall remain responsible for ~~structure of~~
751 compliance with any applicable condition or requirement of a
752 permit, or agreement, or any applicable condition or requirement
753 of the land development regulations ~~regulation to which the~~
754 existing tower had to comply at the time the tower was
755 permitted, including any aesthetic requirements, provided the
756 condition or requirement is not inconsistent with this paragraph
757 ~~or law.~~

758 5. An existing tower, including a nonconforming tower, may
759 be structurally modified in order to permit collocation or may
760 be replaced through no more than administrative review, with no
761 public hearing or public input review, and building-permit
762 review if the overall height of the tower is not increased and,
763 if a replacement, the replacement tower is a monopole tower or,
764 if the existing tower is a camouflaged tower, the replacement
765 tower is a like-camouflaged tower.

766 (b)1. A local government's land development and
767 construction regulations for wireless communications facilities
768 and the local government's review of an application for the
769 placement, construction, or modification of a wireless
770 communications facility shall only address land development or
771 zoning issues. In such local government regulations or review,

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772 the local government may not require information on or evaluate
773 a wireless provider's business decisions about its service,
774 customer demand for its service, or quality of its service to or
775 from a particular area or site, unless the wireless provider
776 voluntarily offers this information to the local government. In
777 such local government regulations or review, a local government
778 may not require information on or evaluate the wireless
779 provider's designed service unless the information or materials
780 are directly related to an identified land development or zoning
781 issue or unless the wireless provider voluntarily offers the
782 information. Information or materials directly related to an
783 identified land development or zoning issue may include, but are
784 not limited to, evidence that no existing structure can
785 reasonably be used for the antennae placement instead of the
786 construction of a new tower, that residential areas cannot be
787 served from outside the residential area, as addressed in
788 subparagraph 3., or that the proposed height of a new tower or
789 initial antennae placement or a proposed height increase of a
790 modified tower, replacement tower, or collocation is necessary
791 to provide the provider's designed service. Nothing in this
792 paragraph shall limit the local government from reviewing any
793 applicable land development or zoning issue addressed in its
794 adopted regulations that do not conflict with this section,
795 including, but not limited to, aesthetics, landscaping, land use
796 based location priorities, structural design, and setbacks.

797 2. Any setback or distance separation required of a tower
798 may not exceed the minimum distance necessary, as determined by
799 the local government, to satisfy the structural safety or

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aesthetic concerns that are to be protected by the setback or distance separation.

3. A local government may exclude the placement of wireless communications facilities in a residential area or residential zoning district but only in a manner that does not constitute an actual or effective prohibition of the provider's designed service in that residential area or zoning district. If a wireless provider demonstrates to the satisfaction of the local government that it cannot reasonably provide its designed service to the residential area or zone from outside the residential area or zone, the local government and provider shall cooperate to determine an appropriate location for a wireless communications facility of an appropriate design within the residential area or zone. The local government may require that the wireless provider reimburse the reasonable costs incurred by the local government for this cooperative determination. An application for such cooperative determination shall not be considered an application under paragraph (11)(d).

4. A local government may impose a reasonable fee on applications to place, construct, or modify a wireless communications facility only if a similar fee is imposed on applicants seeking other similar types of zoning, land use, or building-permit review. A local government may impose fees for the review of applications for wireless communications facilities by consultants or experts who conduct code compliance review for the local government but any fee is limited to specifically identified reasonable expenses incurred in the review. A local government may impose reasonable surety

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828 requirements to ensure the removal of wireless communications
829 facilities that are no longer being used.

830 5. A local government may impose design requirements, such
831 as requirements for designing towers to support collocation or
832 aesthetic requirements, except as otherwise limited in this
833 section, but shall not impose or require information on
834 compliance with building code type standards for the
835 construction or modification of wireless communications
836 facilities beyond those adopted by the local government under
837 chapter 553 and that apply to all similar types of construction.

838 (c)(b) Local governments may ~~shall~~ not require wireless
839 providers to provide evidence of a wireless communications
840 facility's compliance with federal regulations, except. ~~However,~~
841 ~~local governments shall receive~~ evidence of compliance with
842 applicable Federal Aviation Administration requirements under 14
843 C.F.R. s. 77, as amended, and evidence of proper Federal
844 Communications Commission licensure, or other evidence of
845 Federal Communications Commission authorized spectrum use, but
846 ~~from a provider and~~ may request the Federal Communications
847 Commission to provide information as to a wireless provider's
848 compliance with federal regulations, as authorized by federal
849 law.

850 (d)(e)1. A local government shall grant or deny each a
851 properly completed application for a collocation permit,
852 ~~including permits under subparagraph (11)(a)1. paragraph (a),~~
853 ~~for the collocation of a wireless communications facility on~~
854 ~~property, buildings, or structures within the local government's~~
855 ~~jurisdiction~~ within the normal timeframe for a similar building-

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856 permit review but in no case later than 45 business days after
857 the date the properly completed application is determined to be
858 properly completed in accordance with this paragraph initially
859 ~~submitted in accordance with the applicable local government~~
860 ~~application procedures, provided that such permit complies with~~
861 ~~applicable federal regulations and applicable local zoning or~~
862 ~~land development regulations, including any aesthetic~~
863 ~~requirements. Local building regulations shall apply.~~

864 2. A local government shall grant or deny each a properly
865 completed application for any other wireless communications
866 facility within the normal timeframe for a similar type review
867 but in no case later than a permit for the siting of a new
868 ~~wireless tower or antenna on property, buildings, or structures~~
869 ~~within the local government's jurisdiction within 90 business~~
870 ~~days after the date the properly completed application is~~
871 determined to be properly completed in accordance with this
872 paragraph initially submitted in accordance with the applicable
873 ~~local government application procedures, provided that such~~
874 ~~permit complies with applicable federal regulations and~~
875 ~~applicable local zoning or land development regulations,~~
876 ~~including any aesthetic requirements. Local building regulations~~
877 ~~shall apply.~~

878 3.a. An application is deemed submitted or resubmitted on
879 the date the application is received by the local government. If
880 the local government does not ~~shall~~ notify the ~~permit~~ applicant
881 in writing that the application is not completed in compliance
882 with the local government's regulations within 20 business days
883 after the date the application is initially submitted or

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884 additional information resubmitted, as to whether the
885 application is deemed, for administrative purposes only, to be
886 properly completed and has been properly submitted. However, the
887 such determination shall not be deemed as an approval of the
888 application. If the application is not completed in compliance
889 with the local government's regulations, the local government
890 shall so notify the applicant in writing and the Such
891 notification must shall indicate with specificity any
892 deficiencies in the required documents or deficiencies in the
893 content of the required documents which, if cured, shall make
894 the application properly completed. Upon resubmission of
895 information to cure the stated deficiencies, the local
896 government shall notify the applicant, in writing, within the
897 normal timeframes of review, but in no case longer than 20
898 business days after the additional information is submitted, of
899 any remaining deficiencies that must be cured. Deficiencies in
900 document type or content not specified by the local government
901 do not make the application incomplete. Notwithstanding this
902 sub-subparagraph, if a specified deficiency is not properly
903 cured when the applicant resubmits its application to comply
904 with the notice of deficiencies, the local government may
905 continue to request the information until such time as the
906 specified deficiency is cured. The local government may
907 establish reasonable timeframes within which the required
908 information to cure the application deficiency is to be provided
909 or the application will be considered withdrawn or closed.

910 b. If the local government fails to grant or deny a
911 properly completed application for a wireless communications

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912 ~~facility permit which has been properly submitted~~ within the
913 timeframes set forth in this paragraph, the application permit
914 shall be deemed automatically approved and the applicant
915 ~~provider~~ may proceed with placement of the ~~such~~ facilities
916 without interference or penalty. The timeframes specified in
917 subparagraph ~~subparagraphs 1. and 2. may~~ ~~shall~~ be extended only
918 to the extent that the application permit has not been granted
919 or denied because the local government's procedures generally
920 applicable to all other similar types of applications permits,
921 require action by the governing body and such action has not
922 taken place within the timeframes specified in subparagraph
923 ~~subparagraphs 1. and 2.~~ Under such circumstances, the local
924 government must act to either grant or deny the application
925 ~~permit~~ at its next regularly scheduled meeting or, otherwise,
926 the application is ~~permit shall be~~ deemed to be automatically
927 approved.

928 c. To be effective, a waiver of the timeframes set forth
929 in this paragraph herein must be voluntarily agreed to by the
930 applicant and the local government. A local government may
931 request, but not require, a waiver of the timeframes by the
932 applicant ~~an entity seeking a permit~~, except that, with respect
933 to a specific application permit, a one-time waiver may be
934 required in the case of a declared local, state, or federal
935 emergency that directly affects the administration of all
936 permitting activities of the local government.

937 ~~(d) Any additional wireless communications facilities,~~
938 ~~such as communication cables, adjacent accessory structures, or~~
939 ~~adjacent accessory equipment used in the provision of cellular,~~

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~~enhanced specialized mobile radio, or personal communications services, required within the existing secured equipment compound within the existing site shall be deemed a permitted use or activity. Local building and land development regulations, including any aesthetic requirements, shall apply.~~

(e) The replacement of or modification to a wireless communications facility, except a tower, that results in a wireless communications facility not readily discernibly different in size, type, and appearance when viewed from ground level from surrounding properties, and the replacement or modification of equipment that is not visible from surrounding properties, all as reasonably determined by the local government, are subject to no more than applicable building-permit review.

(f)~~(e)~~ Any other ~~provision of~~ law to the contrary notwithstanding, the Department of Management Services shall negotiate, in the name of the state, leases for wireless communications facilities that provide access to state government-owned property not acquired for transportation purposes, and the Department of Transportation shall negotiate, in the name of the state, leases for wireless communications facilities that provide access to property acquired for state rights-of-way. On property acquired for transportation purposes, leases shall be granted in accordance with s. 337.251. On other state government-owned property, leases shall be granted on a space available, first-come, first-served basis. Payments required by state government under a lease must be reasonable and must reflect the market rate for the use of the state

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968 government-owned property. The Department of Management Services
969 and the Department of Transportation are authorized to adopt
970 rules for the terms and conditions and granting of any such
971 leases.

972 (g) If any person adversely affected by any action or
973 failure to act or regulation or requirement of a local
974 government in the review or regulation of the wireless
975 communication facilities files an appeal or brings an
976 appropriate action in a court or venue of competent
977 jurisdiction, following the exhaustion of all administrative
978 remedies, the matter shall be considered on an expedited basis.

979 ~~(f) Any wireless telephone service provider may report to~~
980 ~~the board no later than September 1, 2003, the specific~~
981 ~~locations or general areas within a county or municipality where~~
982 ~~the provider has experienced unreasonable delay to locate~~
983 ~~wireless telecommunications facilities necessary to provide the~~
984 ~~needed coverage for compliance with federal Phase II E911~~
985 ~~requirements using its own network. The provider shall also~~
986 ~~provide this information to the specifically identified county~~
987 ~~or municipality no later than September 1, 2003. Unless the~~
988 ~~board receives no report that unreasonable delays have occurred,~~
989 ~~the board shall, no later than September 30, 2003, establish a~~
990 ~~subcommittee responsible for developing a balanced approach~~
991 ~~between the ability of providers to locate wireless facilities~~
992 ~~necessary to comply with federal Phase II E911 requirements~~
993 ~~using the carrier's own network and the desire of counties and~~
994 ~~municipalities to zone and regulate land uses to achieve public~~
995 ~~welfare goals. If a subcommittee is established, it shall~~

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~~include representatives from the Florida Telecommunications Industry Association, the Florida Association of Counties, and the Florida League of Cities. The subcommittee shall be charged with developing recommendations for the board and any specifically identified municipality or county to consider regarding actions to be taken for compliance for federal Phase II E911 requirements. In the annual report due to the Governor and the Legislature by February 28, 2004, the board shall include any recommendations developed by the subcommittee to address compliance with federal Phase II E911 requirements.~~

Section 5. Subsections (2) and (3) of section 365.173, Florida Statutes, are amended to read:

365.173 Wireless Emergency Telephone System Fund.--

(2) Subject to any modifications approved by the board pursuant to s. 365.172(6)(a)3. or s. 365.172(8)(c), the moneys in the fund shall be distributed and used only as follows:

(a) Forty-four percent of the moneys shall be distributed each month to counties, based on the total number of wireless subscriber billing addresses in each county, for payment of:

1. Recurring costs of providing 911 or E911 service, as provided by s. 365.171(13)(a)6.

2. Costs to comply with the requirements for E911 service contained in the order and any future rules related to the order.

Any county that receives funds under this paragraph shall establish a fund to be used exclusively for the receipt and expenditure of the revenues collected under this paragraph. All

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fees placed in the fund and any interest accrued shall be used
solely for costs described in subparagraphs 1. and 2. The money
collected and interest earned in this fund shall be appropriated
for these purposes by the county commissioners and incorporated
into the annual county budget. The fund shall be included within
the financial audit performed in accordance with s. 218.39. A
county may carry forward, ~~for up to 3 successive calendar years,~~
up to 30 percent of the total funds disbursed to the county by
the board during a calendar year for expenditures for capital
outlay, capital improvements, or equipment replacement, if such
expenditures are made for the purposes specified in this
paragraph.

(b) Fifty-four percent of the moneys shall be distributed
in response to sworn invoices submitted to the board by
providers to reimburse such providers for the actual costs
incurred to provide 911 or E911 service, including the costs of
complying with the order. Such costs include costs and expenses
incurred by providers to design, purchase, lease, program,
install, test, upgrade, operate, and maintain all necessary
data, hardware, and software required to provide E911 service.
Up to 2 percent of the funds allocated to providers shall be
retained by the board to be applied to costs and expenses
incurred for the purposes of managing, administering, and
overseeing the receipts and disbursements from the fund and
other activities as defined in s. 365.172(6). Any funds retained
for such purposes in a calendar year which are not applied to
such costs and expenses by March 31 of the following year shall
be distributed to providers pursuant to this paragraph.

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~~Beginning in state fiscal year 2000-2001,~~ Each provider shall submit to the board, by August 1 of each year, a detailed estimate of the capital and operating expenses for which it anticipates that it will seek reimbursement under this paragraph during the ensuing state fiscal year. By September 15 of each year, the board shall submit to the Legislature its legislative budget request for funds to be allocated to providers under this paragraph during the ensuing state fiscal year. The budget request shall be based on the information submitted by the providers and estimated surcharge revenues. Distributions of moneys in the fund by the board to providers must be fair and nondiscriminatory. If the total amount of moneys requested by providers pursuant to invoices submitted to the board and approved for payment exceeds the amount in the fund in any month, providers that have invoices approved for payment shall receive a pro rata share of moneys in the fund and the balance of the payments shall be carried over to the following month or months until all of the approved payments are made. The board may adopt rules necessary to address the manner in which pro rata distributions are made when the total amount of funds requested by providers pursuant to invoices submitted to the board exceeds the total amount of moneys on deposit in the fund.

(c) Two percent of the moneys shall be used to make monthly distributions to rural counties for the purpose of providing facilities and network and service enhancements and assistance for the 911 or E911 systems operated by rural counties and for the provision of reimbursable loans and grants by the office to rural counties for upgrading 911 systems.

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The Legislature recognizes that the wireless E911 fee authorized under s. 365.172 will not necessarily provide the total funding required for establishing or providing the 911 service. It is the intent of the Legislature that all revenue from the fee be used as specified in s. 365.171(13)(a)6.

~~(3) The Auditor General shall annually audit the fund to ensure that moneys in the fund are being managed in accordance with this section and s. 365.172. The Auditor General shall provide a report of the annual audit to the board.~~

Section 6. Paragraph (a) of subsection (3) of section 337.401, Florida Statutes, is amended to read:

337.401 Use of right-of-way for utilities subject to regulation; permit; fees.--

(3)(a)1. Because of the unique circumstances applicable to providers of communications services, including, but not limited to, the circumstances described in paragraph (e) and the fact that federal and state law require the nondiscriminatory treatment of providers of telecommunications services, and because of the desire to promote competition among providers of communications services, it is the intent of the Legislature that municipalities and counties treat providers of communications services in a nondiscriminatory and competitively neutral manner when imposing rules or regulations governing the placement or maintenance of communications facilities in the public roads or rights-of-way. Rules or regulations imposed by a municipality or county relating to providers of communications services placing or maintaining communications facilities in its

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roads or rights-of-way must be generally applicable to all providers of communications services and, notwithstanding any other law, may not require a provider of communications services, except as otherwise provided in subparagraph 2., to apply for or enter into an individual license, franchise, or other agreement with the municipality or county as a condition of placing or maintaining communications facilities in its roads or rights-of-way. In addition to other reasonable rules or regulations that a municipality or county may adopt relating to the placement or maintenance of communications facilities in its roads or rights-of-way under this subsection, a municipality or county may require a provider of communications services that places or seeks to place facilities in its roads or rights-of-way to register with the municipality or county and to provide the name of the registrant; the name, address, and telephone number of a contact person for the registrant; the number of the registrant's current certificate of authorization issued by the Florida Public Service Commission or the Federal Communications Commission; and proof of insurance or self-insuring status adequate to defend and cover claims. ~~Nothing in this subparagraph is intended to limit or expand any existing zoning or land use authority of a municipality or county; however, no such zoning or land use authority may require an individual license, franchise, or other agreement as prohibited by this subparagraph.~~

2. Notwithstanding the provisions of subparagraph 1., a municipality or county may, as provided by 47 U.S.C. s. 541, award one or more franchises within its jurisdiction for the

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provision of cable service, and a provider of cable service shall not provide cable service without such franchise. Each municipality and county retains authority to negotiate all terms and conditions of a cable service franchise allowed by federal law and s. 166.046, except those terms and conditions related to franchise fees and the definition of gross revenues or other definitions or methodologies related to the payment or assessment of franchise fees and permit fees as provided in paragraph (c) on providers of cable services. A municipality or county may exercise its right to require from providers of cable service in-kind requirements, including, but not limited to, institutional networks, and contributions for, or in support of, the use or construction of public, educational, or governmental access facilities to the extent permitted by federal law. A provider of cable service may exercise its right to recover any such expenses associated with such in-kind requirements, to the extent permitted by federal law.

Section 7. This act shall take effect July 1, 2005.